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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,879	03/26/2004	David W. Gillespie	SYN-088COB	9757
28661	7590	03/24/2005	EXAMINER	
SIERRA PATENT GROUP, LTD. P O BOX 6149 STATELINE, NV 89449			SHANKAR, VIJAY	
			ART UNIT	PAPER NUMBER
			2673	
DATE MAILED: 03/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/810,879

**Applicant(s)**

GILLESPIE ET AL.

**Examiner**

VIJAY SHANKAR

**Art Unit**

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5-12-05, 5-26-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Tannenbaum et al (5,252,951).

Regarding Claim 1, Tannenbaum et al teaches a method of generating a signal comprising: providing a capacitive touch sensor pad including a matrix of X and Y conductors (Figs.1-3; Col. 1, line 57- col.2, line 26; Col.5, line 52-65; col.6, line 48- col.7, line 23); developing capacitance profiles in one of an X direction and a Y direction from the matrix of X and Y conductors (Figs.1-3; ; Col. 1, line 57- col.2, line 26; col.7, line 43- col.8, line 54); determining an occurrence of a single

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gesture through an examination of the capacitance profiles (Col.10, lines 3-30), the single gesture including an application of at least two objects on the capacitive touch sensor pad (Fig.9; Col. 1, line 57- col.2, line 26; Col.18, lines 24-63); and generating a signal indicating the occurrence of the single gesture (Fig.10; Col.10, lines 3-61).

Regarding Claim 2, Tannenbaum et al teaches the method wherein the signal is a simulated mouse button click (Fig.8; Col.16, line 38- col.17, line 22).

Regarding Claim 3, Tannenbaum et al teaches the method wherein developing capacitance profiles comprises developing capacitance profiles in both the X and Y directions from the matrix of X and Y conductors (Col. 1, line 57- col.2, line 26; Fig.3,6; col.8, lines 35-68).

Regarding Claim 4, Tannenbaum et al teaches the capacitive sensor comprising: a matrix of X and Y conductors (Col. 1, line 57- col.2, line 26) ; sensing circuitry coupled to each of the X and Y conductors (Col. 1, line 54- col.2, line 26) and configured to generate outputs based on the capacitance of the X and Y conductors (Figs.1-3; Col. 1, line 57- col.2, line 26; Col.5, line 52-65; col.6, line 48- col.7, line 23); and an arithmetic unit (Fig.3; Col.8, lines 5-65; col.9, lines 26-45) coupled to the sensing circuitry and configured to develop a first capacitance profile in an X direction in response to the outputs of the sensing circuitry (Figs.1-3; Col. 1, line 57- col.2, line 26;

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Col.5, line 52-65; col.6, line 48- col.7, line 23), and to determine an occurrence of a single gesture through an examination of the first capacitance profile (Col.10, lines 3-30), the single gesture including an application of at least two objects to the capacitive sensor (Fig.9; Col. 1, line 57- col.2, line 26; Col.18, lines 24-63).

Regarding Claim 5, Tannenbaum et al teaches the capacitive sensor wherein the sensing circuitry is configured to drive the X conductors simultaneously, and to drive the Y conductors simultaneously, wherein the X conductors are driven separately from the Y conductors (Col. 1, line 57- col.2, line 26).

Regarding Claim 6, Tannenbaum et al teaches the capacitive sensor wherein the arithmetic unit (Fig.3; Col.8, lines 5-65; col.9, lines 26-45) is configured to develop a second capacitance profile in a Y direction in response to the outputs of the sensing circuitry (Col. 1, line 57- col.2, line 26).

Regarding Claim 7, Tannenbaum et al teaches the capacitive sensor wherein the arithmetic unit (Fig.3; Col.8, lines 5-65; col.9, lines 26-45) is configured to differentiate between an application of a single object and an application of multiple objects to the capacitive sensor. (Fig.9; Col. 1, line 57- col.2, line 26; Col.18, lines 24-63; Fig.10; Col.10, lines 3-61).

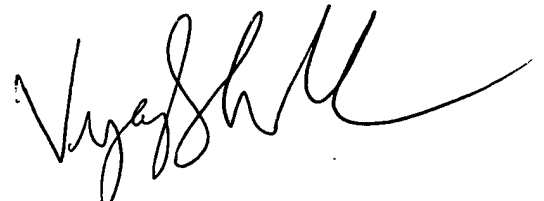
**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beernink et al, Dunthorn, and Asher all teach the Touch sensor and Gestures.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is (571) 272-7682. The examiner can normally be reached on M-F 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIJAY SHANKAR  
Primary Examiner  
Art Unit 2673